

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 15-9411-R (SP)	Date	April 12, 2016
Title	JOHN CALMA v. CAROLYN W. COLVIN		

Present: The Honorable Sheri Pym, United States Magistrate Judge

Kimberly I. Carter	None	None
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiff:		Attorneys Present for Defendant:
None Present		None Present

Proceedings: **(In Chambers) Order to Show Cause Why Complaint Should Not Be Dismissed for Failure to Prosecute**

On December 4, 2015, plaintiff filed a Complaint for Review of Social Security Decision pursuant to 42 U.S.C. § 405(g). On December 18, 2015, the court issued its Case Management Order in this matter. In that order, the court advised plaintiff that, under Federal Rule of Civil Procedure 4(i), service of the summons, the complaint, and a copy of the Case Management Order must be accomplished on defendant, and further ordered plaintiff to file a proof of service with the court within 28 days after the filing of the complaint, i.e., on or before January 4, 2016. The court warned plaintiff that failure to comply with this requirement may result in the dismissal of this case.

To date, the court has not received a proof of service. Nor has plaintiff requested or obtained an order from the court granting an extension of time to do so. It therefore appears that plaintiff has violated the court's order and is not properly prosecuting this action.

Further, even if the court had not specifically required proof of service in this case within 28 days, under the revised Federal Rules of Civil Procedure that took effect on December 1, 2015, a plaintiff has 90 days to serve a complaint or have it dismissed without prejudice, absent a showing of good cause. *See Fed. R. Civ. P. 4(m).* That deadline also expired, on March 3, 2016, and there has been no request for an extension of time or other showing of good cause by plaintiff.

Accordingly, plaintiff is ORDERED to show cause in writing by **April 26, 2016** why this case should not be dismissed without prejudice for plaintiff's failure to serve defendant within the required time period, as directed in the Case Management Order,

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and under Rule 4(m). Plaintiff may otherwise discharge this OSC by filing a proper proof of service by April 26, 2016.

The court warns plaintiff that failure to respond to this Order to Show Cause by April 26, 2016, or further failure to prosecute this action in accordance with the Case Management Order and other court orders, may result in dismissal of this action for failure to prosecute.